IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 449(S/S)/2003

Shekhar Chandra Tiwari
R/o Vill. Bjeti, P.O. Degree College
District Pithoragarh. .....Petitioner

Vs.

1. State of Uttaranchal through Secretary Forest Department, Dehradun.
2. Conservator of Forest, Kumaon Circle (North), Nainital.
3. Divisional Forest Officer, Forest Division Champawat District Champawat. ..... Respondents.

17.06.2006

Sri Narayan Singh Negi, Counsel for the petitioner,
Standing counsel for the respondent no. 1 to 3.

Hon'ble Rajesh Tandon, J.

Heard Sri Narayan Singh Negi, Counsel for the petitioner and Standing counsel for the respondents No.1 to 3.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 11.02.2003 passed by the respondent no.3.

Briefly stated according to the petitioner, he is continuously working on the post of Shramik Clerk since 01.06.85 on the basis of daily wager. In the year 1988, the petitioner and other employees have filed the writ petition in the Hon. High Court Allahabad, the same was allowed on 26.10.1993 and directed the respondents, department to pay minimum pay scale on the post in which the petitioners were working including Dearness Allowance and Additional Dearness Allowance.

On 14.09.2002, petitioner was ill and after medical checkup, the doctor advised for complete bed rest upto 15.10.2002 and he used to send the information about the medical leave as advised by the Doctor to the respondents from time to time. On 21.12.2002, a explanation was called from the petitioner regarding absence from duty with effect from 16.09.2002. The petitioner has submitted his reply on 04.01.2003. Without considering the reply submitted by the

petitioner, the respondent No.3 has passed an order on 11.02.2003 by which the petitioner has been removed from service.

Learned counsel for the petitioner has alleged that respondent No.3 has passed the impugned order of removal dated 11.02.2003 without conducing any regular, departmental inquiry.

In view of the above, petitioner is directed to raise the industrial dispute in the appropriate forum. The same shall be disposed of in accordance of the law within a period of two months from the date of production of certified copy of this order.

Subject to the aforesaid observation, writ petition is disposed of. No order as to costs.

17.06.2006 **(Rajesh Tandon, J.)**

Jain